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7 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 JOSE ANTONIO VARGAS-GOMEZ,

13 Defendant.
14

Case No. 3:18-CR-00067-MMD-WGC

MOTION TO DISMISS WITHOUT
PREJUDICE AND [PROPOSED] ORDER
DISMISSING WITHOUT PREJUDICE

15 Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of Court
16 endorsed hereon, the United States Attorney for the District of Nevada hereby moves to dismiss without
17 prejudice the Indictment filed on August 8, 2018, against Jose Antonio Vargas-Gomez, Defendant
18 herein.

19 This dismissal without prejudice is warranted because it is appearing at this time that the
20 Defendant has not returned to the United States after he had been deported to Mexico as a citizen of
21 Mexico and alien of the United States, pursuant to the reinstatement of an Immigration Judge's Order
22 of Removal of the Defendant, which Defendant did not contest, leading to his deportation upon his
23 release from custody in the instant case.
24

1 Given that the statute of limitations for this offense has more than four years remaining on it, the
2 motion is for dismissal of the Indictment without prejudice. The United States may seek to re-indict the
3 Defendant to preserve the statute of limitations and to ensure a warrant is in place should the Defendant
4 return to the United States without authorization.

5 Dated this 27th day of September, 2018.

Respectfully submitted,

6 DAYLE ELIESON
7 United States Attorney

8 /s/ James E. Keller
9 JAMES E. KELLER
Assistant United States Attorney

10 **ORDER**

11 LEAVE of Court is granted for the filing of the foregoing motion to dismiss without prejudice
12 pursuant to Fed. R. Crim. P. 48(a); and

13 IT IS THEREFORE ORDERED that the Indictment against JOSE ANTONIO VARGAS-
14 GOMEZ is hereby DISMISSED WITHOUT PREJUDICE.

15
16 Dated: September 28, 2018

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HONORABLE MIRANDA M. DU
United States District Judge